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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

9/1

Office Action Summary

Application No.

09/883,757

Applicant(s)

GUEDALIA ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,11-14 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,11-14 and 20-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-4, 11-13 and 20-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al. (US 6,501,832).

Regarding **claim 1**, Saylor discloses a voice code registration system (column 1, lines 14-21), (which reads on claimed “an interactive voice response system” comprising:

a compiler (66 on FIG. 3) operative to compile documents retrieved by a fetcher (32 on FIG. 2) into compiled document data (column 21, line 22 “XML-based voice content VPages”) in executable form (column 21, lines 20-29) [The XML-based voice content interpreter is provided for compiling XML-based voice content VPages files to be executed such as VoiceXML];

a cache (50 on FIG. 3) which stores the compiled documents data prior to receipt of audio input (column 4, line 17 “via telephone”) from a given user (column 4, line 18

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“the user”) requesting a text-based document (column 4, lines 16-28) [The files are transferred to the Vpage server and stored on a database. When the user requests a file with a text-based the files pass through a text-to-speech engine]; and

a execution thread (34 on FIG. 2) that executes compiled document data retrieved from the cache by the fetcher (column 18, lines 45-59) [The Vpage execution module executes the content of the Vpage for playing the content of the files and other tasks].

Regarding **claim 2**, Saylor discloses a Storage Device, which stores state information, related to execution of the compiled documents (column 20, lines 61-67).

Regarding **claim 3**, Saylor discloses a backup VoiceXML Interpreter communicating with the Storage Device, the backup interpreter providing a response to a user in the event of a failure associated with a primary voice response system (column 18, lines 59-65).

Regarding **claim 4**, Saylor discloses wherein the Storage Device comprises a memory database external to the backup VoiceXML Interpreter (column 20, lines 61-67).

Regarding **claim 11**, Saylor discloses a voice code registration method (column 1, lines 14-21), (which reads on claimed "in an interactive response system"), a method comprising:

retrieving documents encoded according to VoiceXML (column 21, lines 20-29) [The XML-based voice content interpreter is provided for compiling XML-based voice content VPages files to be executed such as VoiceXML];

compiling retrieved documents into compiled document data in executable form (column 4, lines 16-28) [The files are transferred to the Vpage server and stored on a database. When the user requests a file with a text-based the files pass through a text-to-speech engine]; and

caching the compiled document data for later retrieval and execution (column 28, lines 25-29) [The voice browser manages state transitions as to which dialog the caller move to and all transitions are stored on a database].

Regarding **claim 12**, Saylor discloses storing state information related to execution of the compiled document data (column 18, lines 45-65).

Regarding **claim 13**, Saylor discloses providing a backup VoiceXML Interpreter that utilizes the stored state information to support continued service in the event of failure (column 20, lines 61-67).

Regarding **claim 20**, Saylor discloses a voice code registration system (column 1, lines 14-21), (which reads on claimed “an interactive voice response system configured as a server (12 on FIG. 1) that provides requested audio information associated with a text-based document”), the server comprising:

an execution thread (column 28, line 1 “a different thread”) that processes an incoming request (column 28, line 1 “incoming call”) and, based on an audio input (column 28, line 2 “a voice browser”) from a given user, identifies a request for audio information associated with a text-based document (column 28, lines 1-26) [The call center initiates a different thread for each incoming call based on a voice browser and a text to speech module for the user request]; and

a fetcher (32 on FIG. 2) that receives a signal (column 18, line 32 “the VCode”) from the execution thread to search a cache (50 on FIG. 3) for executable code associated with the request audio information, the fetcher retrieving corresponding executable code (column 18, line 32 “the VCode”) from the cache for execution by the execution thread to satisfy the request for audio information associated with the incoming request (column 18, lines 32-44) [The VCode resolution module retrieves VPages and also periodically update the local Vpage registry and store them in cache].

Regarding **claim 21**, Saylor discloses a compiler that converts the text-based document into executable speech code for storage in the cache prior to receipt of the incoming request (column 21, lines 7-15).

Regarding **claim 22**, Saylor discloses wherein the fetcher initiates communication with a remote server to retrieve a text-based document associated with the requested information if corresponding executable code is not stored in the cache (column 21, lines 42-50).

Regarding **claim 23**, Saylor discloses a compiler that converts the text-based document into executable speech code for storage in the cache (column 21, lines 7-15).

Regarding **claim 24**, Saylor discloses wherein executable code stored in the cache is concurrently by multiple execution threads to provide multiple response to multiple users (column 31, lines 37-67).

Regarding **claim 25**, Saylor discloses a storage device to store state information related to the executable code executed by the execution thread to satisfy the request for audio information associated with the incoming request (column 18, lines 32-44).

Regarding **claim 26**, Saylor discloses wherein executable code retrieved from the cache is associated with a corresponding viewable text-based document available on the World Wide Web (column 14, lines 46-62).

Regarding **claim 27**, Saylor discloses wherein executable thread receives the incoming call from a switchboard (column 18, lines 32-44).

Regarding **claim 28**, Saylor discloses a VoiceXML interpreter (66 on FIG. 3).

Regarding **claim 29**, Saylor discloses a database to store state information associated with executable code being executed by the execution thread, the state information accessible by a backup VoiceXML interpreter to provide service in the event of a failure (column 28, lines 25-29).

Regarding **claim 30**, Saylor discloses a voice code registration system (column 1, lines 14-21), (which reads on claimed "a method of providing requested audio information associated with a text-based document"), the method comprising:

processing an incoming call (column 28, line 1 "incoming call") based on an audio input (column 28, line 2 "a voice browser") from a given user (column 28, lines 1-26) [The call center initiates a different thread for each incoming call based on a voice browser and a text to speech module for the user request];

identifying a request for audio information (column 28, line 1 "incoming call") associated with a text-based document (column 28, lines 1-26) [The call center initiates a different thread for each incoming call based on a voice browser and a text to speech module for the user request];

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searching a cache (50 on FIG. 2) for executable code (column 18, line 32 "the VCode") associated with the request audio information, the executable code generated in response to a previous request from another user for audio information associated with the text-based document (column 18, lines 32-44) [The VCode resolution module retrieves VPages and also periodically update the local Vpage registry and store them in cache]; and

executing corresponding executable code (column 18, line 32 "the VCode") from the cache to satisfy the request for audio information associated with the incoming call (column 18, lines 45-59) [The Vpage execution module executes the content of the Vpage for playing the content of the files and other tasks].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 5, 7 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor in view of Paleiov et al. (US 6,560,320).

Regarding **claim 5**, Saylor discloses a voice code registration system (column 1, lines 14-21), (which reads on claimed “an interactive voice response system”) comprising:

a Fetcher (32 on FIG. 2) operative to retrieve documents (column 18, lines 32-44) [The Vpage retrieval system retrieve all the VPages files and store them in the cache]; and

a Storage Device (50 on FIG. 3) which stores state information (column 28, line 25 “state transitions”) related to execution of the documents (column 28, lines 25-29) [The voice browser manages state transitions as to which dialog the caller move to and all transitions are stored on a database]; and

a backup Voice XML interpreter (66 on FIG. 3) in communication with the storage device utilizing the state information to execute the compiled document (column 21, lines 20-29) [The XML-based voice content interpreter is provided for compiling XML-based voice content VPages files to be executed such as VoiceXML].

Saylor fails to disclose executing the document in the event of failure.

However, Paleiov teaches executing the document in the event of failure (column 5, lines 62-65) [In case of failure the IVR responds to the user with a sequence of voice prompts].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the IVR responding to the user with a sequence of prompts in case of failure of Paleiov in the IVR XML-based voice content interpreter of Saylor.

The modification of the invention would offer the capability of executing a sequence of voice prompts such as the sequence of voice prompts would improve methods for automated interactive telephone applications.

Regarding **claim 7**, Saylor discloses wherein the Storage Device is a memory database external to the backup VoiceXML Interpreter (column 20, lines 61-67).

Regarding **claim 14**, Saylor discloses a voice code registration method (column 1, lines 14-21), (which reads on claimed "in an interactive response system"), a method comprising:

retrieving executable code derived from a text-based document (column 18, lines 32-44) [The Vpage retrieval system retrieve all the VPages files and store them in the cache]; and

storing state information related to execution of the compiled document (column 28, lines 25-29) [The voice browser manages state transitions as to which dialog the caller move to and all transitions are stored on a database]; and

providing the state information to a backup VoiceXML interpreter (66 on FIG. 3) to otherwise provide a response to a user (column 21, lines 20-29) [The XML-based voice content interpreter is provided for compiling XML-based voice content VPages files to be executed such as VoiceXML].

Saylor fails to disclose providing a response to a user in the event of failure.

However, Paleiov teaches providing a response to a user in the event of failure (column 5, lines 62-65) [In case of failure the IVR responds to the user with a sequence of voice prompts].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the IVR responding to the user with a sequence of prompts in case of failure of Paleiov in the IVR XML-based voice content interpreter of Saylor.

The modification of the invention would offer the capability of executing a sequence of voice prompts such as the sequence of voice prompts would improve methods for automated interactive telephone applications.

Response to Arguments

6. Applicant's arguments with respect to **claims 1-5, 7, 11-14 and 20-30** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

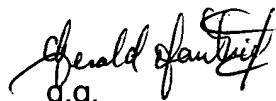
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
July 30, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

